

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS BURR, et al.

CASE NO.: C2 04 1118

Plaintiffs

JUDGE: SARGUS

V

ANDREW N. BURNS, et al.,

Defendants.

MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO DISMISS

Now come Plaintiffs Thomas Burr and Marie Stamp to hereby move this Court for an extension of time within which to respond to Defendants' Motion to Dismiss.

A Memorandum in Support of this Motion is attached.

Respectfully Submitted

S/Phillip D. Lehmkuhl

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(0021246)

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MEMORANDUM IN SUPPORT

I. HOLIDAY SEASON

Defendants' Motion to Dismiss was filed with the Court on December 23, 2004, two days before Christmas. The press of the holiday season has made it difficult for Plaintiff's counsel to find the necessary time to respond to Defendants' Motion to Dismiss.

II. ABRUPT DEPARTURE OF SECRETARY

On December 17, 2004, Plaintiff's Counsel lost his secretary of the past 4.5 years abruptly. Plaintiff's counsel is a solo practitioner. The abrupt departure of his only assistant has been severely disruptive to his practice.

III. COMPLEXITY OF ISSUES RAISED

Based upon an examination of the Brief of Defendants, and then only upon the Bold-type section heading, Defendants raise ten separate arguments as to why Plaintiff's complaint should be dismissed, and in the process cited 46 separate decisions in the span of fifteen pages. Responding to such a brief will require a substantial expenditure of time, simply to become familiar with cases cited by Defendants. Additional time is needed to prepare a thorough response to Defendants' Motion.

IV. AGREEMENT OF DEFENDANTS'

John T. McLandrich, Attorney for Defendants, when contacted by phone by Plaintiff's Council, agreed that Plaintiff should be granted additional time within which to respond to the Motion to Dismiss.

Wherefore, Plaintiffs request the Court grant them until February 14, 2005 within which to respond to Defendants' Motion to Dismiss.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was faxed on January 18, 2005 to

John T. McLandrich
250 Civic Center Drive, Suite 400
Columbus, Ohio 43215
Via 614-365-9145

Phillip Lehmkuhl